

(f) The amount charged for a membership as authorized by Subsection (a) must be reasonable.

SECTION 3. The change in law made by this Act applies only to a loan contract made on or after the effective date of this Act. A loan contract made before the effective date of this Act is governed by the law in effect when the loan contract was made, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2005.

Passed by the House on April 19, 2005, by a non-record vote; passed by the Senate on May 17, 2005: Yeas 31, Nays 0.

Approved May 30, 2005.

Effective September 1, 2005.

CHAPTER 253

H.B. No. 1174

AN ACT

relating to attorney's fees and costs in a proceeding to enforce an order for the possession of or access to a child.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 157.167, Family Code, as amended by Chapters 477 and 1262, Acts of the 78th Legislature, Regular Session, 2003, is reenacted and amended to read as follows:

Sec. 157.167. **RESPONDENT TO PAY ATTORNEY'S FEES AND COSTS.** (a) If the court finds that the respondent has failed to make child support payments, the court shall order the respondent to pay the movant's reasonable attorney's fees and all court costs in addition to the arrearages. *Fees and costs ordered under this subsection may be enforced by any means available for the enforcement of child support, including contempt.*

(b) If the court finds that the respondent has failed to comply with the terms of an order providing for the possession of or access to a child, the court shall order the respondent to pay the movant's reasonable attorney's fees and all court costs in addition to any other remedy. *If the court finds that the enforcement of the order with which the respondent failed to comply was necessary to ensure the child's physical or emotional health or welfare, the fees and costs ordered under this subsection may be enforced by any means available for the enforcement of child support, including contempt, but not including income withholding.*

(c) Except as provided by Subsection (d), for good cause shown, the court may waive the requirement that the respondent pay attorney's fees and costs if the court states the reasons supporting that finding.

(d) If the court finds that the respondent is in contempt of court for failure or refusal to pay child support and that the respondent owes \$20,000 or more in child support arrearages, the court may not waive the requirement that the respondent pay attorney's fees and costs unless the court also finds that the respondent:

- (1) is involuntarily unemployed or is disabled; and
- (2) lacks the financial resources to pay the attorney's fees and costs.

~~[(e) Fees and costs ordered under Subsection (a) may be enforced by any means available for the enforcement of child support, including contempt.]~~

SECTION 2. The changes in law made by this Act apply only to an enforcement order rendered on or after the effective date of this Act. An enforcement order rendered before that date is governed by the law in effect on the date the order was rendered, and the former law is continued in effect for that purpose.

SECTION 3. To the extent of any conflict, this Act prevails over another Act of the 79th Legislature, Regular Session, 2005, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4. This Act takes effect September 1, 2005.

Passed by the House on April 21, 2005, by a non-record vote; passed by the Senate on May 17, 2005: Yeas 31, Nays 0.

Approved May 30, 2005.

Effective September 1, 2005.

CHAPTER 254

H.B. No. 1229

AN ACT

relating to the powers, duties, and directors of the Menard County Underground Water District and the directors of the Menard County Water Control and Improvement District No. 1.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 180, Acts of the 72nd Legislature, Regular Session, 1991, is amended by amending Section 6 and adding Section 6A to read as follows:

Sec. 6. POWERS. (a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 36 [50] and 49 [52], Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

(b) The rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas [Water] Commission on Environmental Quality.

Sec. 6A. PERMIT FOR WELL. *The district may require a permit for a well used for domestic purposes or to provide water for livestock, poultry, or wildlife if the well is:*

(1) *on a tract of land smaller than 100 acres;*

(2) *less than 500 feet deep; and*

(3) *drilled, completed, or equipped so that it is capable of producing more than 9,000 gallons of groundwater per day.*

SECTION 2. Section 1A, Chapter 31, Acts of the 55th Legislature, 1st Called Session, 1957, is amended to read as follows:

Sec. 1A. The District is governed by a board of five directors composed of the persons who serve as directors of the Menard County Underground Water District. A [Each] director of the Menard County Underground Water District *who serves on the board of directors of the Menard County Water Control and Improvement District No. 1 does not violate the common-law doctrine of incompatibility [as an additional duty of his office as director of the underground water district]*. A director is not entitled to compensation for service on *either [the] board of directors but may be reimbursed as provided by board rules for expenses incurred in carrying out the business of the districts [District]*.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

Passed by the House on April 27, 2005: Yeas 145, Nays 0, 1 present, not voting; passed by the Senate on May 17, 2005: Yeas 31, Nays 0.

Approved May 30, 2005.

Effective May 30, 2005.